

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2967

To amend the Motor Carrier Safety Act of 1984 to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. LIPINSKI introduced the following bill; which was referred to the  
Committee on Public Works and Transportation

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## A BILL

To amend the Motor Carrier Safety Act of 1984 to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Commercial Motor Ve-  
5       hicle Safety Act of 1993”.

### 6   **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) it is in the public interest to prohibit the  
2           operation of certain uncovered commercial motor ve-  
3           hicles and thereby reduce highway fatalities, injuries,  
4           and property damage otherwise associated with such  
5           operation; and

6           (2) State governments can assist the Federal  
7           Government in assuring the safe operation of com-  
8           mercial motor vehicles by enacting laws prohibiting  
9           the operation of certain uncovered commercial motor  
10          vehicles.

11 **SEC. 3. COVERED LOAD REQUIREMENT.**

12          The Motor Carrier Safety Act of 1984 (49 U.S.C.  
13 App. 2501–2520) is amended by adding at the end thereof  
14 the following:

15 **“SEC. 231. COVERED LOAD REQUIREMENT.**

16          “(a) GENERAL RULE.—Not later than 120 days after  
17 the date of the enactment of this section, the Secretary  
18 shall initiate a rulemaking proceeding for the purpose of  
19 issuing regulations prohibiting any person from operating,  
20 or causing to be operated, on any street or highway, any  
21 commercial motor vehicle with an open load of dirt, aggre-  
22 gate, garbage, tailings, wood chips, refuse, or other similar  
23 loose material, unless the load is secured or enclosed with  
24 a tarpaulin or other covering sufficient to prevent any por-  
25 tion of the material from rolling of, falling from, blowing

1 off, dropping from, or otherwise escaping from the vehicle.  
2 The Secretary shall issue such regulations not later than  
3 1 year after such date of enactment.

4 “(b) STATE LAW COMPATIBILITY.—If at any time in  
5 a fiscal year beginning after September 30, 1995, a State  
6 does not have in effect a law compatible with the regula-  
7 tions issued by the Secretary under subsection (a), the  
8 Secretary, notwithstanding any other provision of law,  
9 shall transfer an amount equal to 1½ percent of the funds  
10 apportioned to the State under each of subsections (b)(1),  
11 (b)(2), and (b)(3) of title 23, United States Code, to the  
12 apportionment of the State under section 402 of title 23,  
13 United States Code. The Federal share of the cost of any  
14 project carried out with funds transferred under this sec-  
15 tion shall be 100 percent.

16 “(c) TRANSFER OF OBLIGATION AUTHORITY.—If the  
17 Secretary transfers under this section any funds to the  
18 State for a fiscal year for highway safety programs under  
19 section 402 of title 23, United States Code, the Secretary  
20 shall allocate an amount of obligation authority distrib-  
21 uted for such fiscal year to the State for Federal-aid high-  
22 ways and highway safety programs for carrying out only  
23 projects under such section 402 which is determined by  
24 multiplying—

1           “(1) the amount of the funds transferred to the  
2           apportionment of such section 402 of the State  
3           under this section for such fiscal year; by

4           “(2) the ratio of the amount of obligation au-  
5           thority distributed for such fiscal year to the State  
6           for Federal-aid highways and highway safety con-  
7           struction programs to the total of the sums appor-  
8           tioned to the State for Federal-aid highways and  
9           highway safety construction (excluding sums not  
10          subject to any obligation limitation) for such fiscal  
11          year.

12          “(d) LIMITATION ON APPLICABILITY OF HIGHWAY  
13 SAFETY OBLIGATIONS.—Notwithstanding any other pro-  
14 vision of law, no limitation on the total obligations for  
15 highway safety programs carried out by the Federal High-  
16 way Administration under section 402 of title 23, United  
17 States Code, shall apply to funds transferred under this  
18 section to the apportionment of the State under such sec-  
19 tion 402.”.

20 **SEC. 4. DEFINITIONS.**

21          Section 204 of the Motor Carrier Safety Act of 1984  
22 (49 U.S.C. App. 2503) is amended by adding at the end  
23 the following new paragraph:

24           “(14) AGGREGATE.—The term ‘aggregate’  
25          means any ore, mineral, sand, gravel, shale, coal,

- 1 clay, limestone, crushed stone, or other ore or min-
- 2 eral which is mined.”.

